

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**ETHEL and WILLIAM PAYNE,**

**Plaintiffs,**

**VS.**

**CASE NO. CV 05-TMP-551-S**

**KAY JEWELERS, a division of  
STERLING JEWELERS, INC.;  
STAR RING AND ROMANCE  
RING,**

## Defendants.

## ORDER OF DISMISSAL

The magistrate judge filed his report and recommendation on May 30, 2006, recommending the dismissal without prejudice of all claims asserted in this action against defendant Star Ring and Romance Ring on the basis that the court lacked personal jurisdiction over it.<sup>1</sup> To date, no objections to the report and recommendation have been filed by any party.

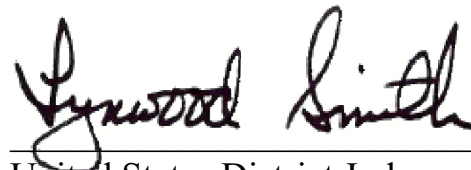
Having reviewed and considered *de novo* all materials in the court file, the court hereby **ADOPTS** the report and **ACCEPTS** the recommendation of the

<sup>1</sup>Plaintiff alleged in her first amended complaint that defendant Star Ring and Romance Ring “is the entity that owns trademark ‘SR’ who manufactured the ring at issue . . . .” Doc. no. 23 at 2, ¶ 3. Defendant Star Ring, Inc. filed a motion to dismiss in lieu of an answer, stating that it was incorrectly identified in the first amended complaint as “Star Ring/Romance Ring.” Doc. no. 28 at 1. Defendant Kay Jewelers, a division of Sterling Jewelers, Inc., previously was dismissed by separate order. *See* doc. no. 43 (Order).

magistrate judge. Accordingly, all claims in this action against defendant Star Ring, Inc. (incorrectly named Star Ring and Romance Ring) are hereby DISMISSED without prejudice.

As there are no remaining defendants, this action is hereby DISMISSED.

DONE this 13th day of July, 2006.

A handwritten signature in black ink, appearing to read "Lynwood Smith", is written over a horizontal line.

United States District Judge